# IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

## SPECIAL CIVIL APPLICATION No. 24416 of 2005

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE KS JHAVERI**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**HEEMARAM AADHAJI - Petitioner(s)**

**Versus**

**KAVITA ENTERPRISE C/O. SAURASHTRA CEMENT LTD. & 5 - Respondent(s)**

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**Appearance :**

MR PANKAJ R DESAI for Petitioner(s) : 1,
None for Respondent(s) : 1 - 6.

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**CORAM : HONOURABLE MR.JUSTICE KS JHAVERI**

**Date : 29/12/2005**

**ORAL JUDGMENT**

1. This petition is directed against the award passed in Reference (LCJ) No.1383/90 by the Labour Court, Junagadh.

2.The petitioner workman and others raised a dispute

against the respondent company and contractor praying for reinstatement with back wages. The dispute was referred to the labour Court, Rajkot. Thereafter the same were transferred to Junagadh. The petitioner's reference was numbered as Reference (LCJ) No.1383/90 and the other references were numbered as Reference (LCJ) No.1503/90, 1382/90, 1384/90, 1533/90, 1535/90 and 1534/90. The said references were posted for evidence on 19.1.1996. When the petitioner appeared for evidence, the petitioner came to know that all the references were withdrawn on 8.1.1996. The petitioner therefore made complaint stating that he has not withdrawn any case nor he has put any signature on the purshis produced before the Laobur Court, Junagadh. However, on 18.5.1996 the awards disposing of the reference as withdrawn were published by the Government.

3. Prima facie, by mistake though not ordered all references from Junagadh were transferred and now this petition is filed to rectify the mistake. In my view such petition cannot be entertained.

4. As a result of hearing it is found that there is a gross delay of eight years in filing the petition. The delay caused in the petition has not been explained at

all. Apart from that even on merits of the matter nothing is pointed out to cause interference in this matter. Hence this petition is rejected.

[K.S. JHAVERI, J.]

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